SCS CC 2 of 2

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(416)

P770195-0243

December 9, 1977

Dear Mr. Duncan:

The Secretary has asked me to reply to your letter of November 23 concerning the case of John Victor Stoen, who is presently in the custody of a religious group known as the People's Temple, in Guyana. Congressman Phillip Burton has also expressed interest in this case and has received a similar reply.

As you mention in your letter, John Stoen's mother has engaged Attorneys Margaret Ryan and Jeffrey Haas to counsel her regarding court proceedings in Guyana to regain custody of her son. It is noted that Mrs. Stoen previously signed over custody of John to the religious group. Both Mr. Haas and Ms. Ryan have visited the Department of State to express their concern and to pose questions concerning the handling of a child custody court hearing in Guyana. While Mr. Haas was in Guyana for some preliminary court proceedings, he was in close touch with officers at the American Embassy there, who offered him every possible assistance, including personal representations by the Charge d'Affaires to high Guyanese government officials when Mr. Haas believed that political pressures were being brought to bear in the judicial system. Both Mr. Haas and Ms. Ryan agree that the American Embassy offered Mr. Haas all possible assistance during his visit to Guyana. Mrs. Stoen has also retained an attorney in Guyana to represent her. We are informed that the attorney was recommended by the Solicitor General of Guyana and that he enjoys a very good reputation in Guyana.

During Ms. Ryan's recent visit to the Department she talked at length about Mr. Haas's and her belief that the pending judicial proceedings were going to be unfair in some manner, unduly prejudicing the judge against their client. She was unable to be specific and was counseled to keep in close touch with the Embassy for any required assistance during the hearings.

The Honorable
Robert E. Duncan,
House of Representatives.

DEPARTMENT OF STATE A/CDC/MR
REVIEWED BY _____ DATE _____
RDS☐or XDS☐EXT. DATE _____
TS AUTH. _____ REASON(S) _____
ENDORSE EXISTING MARKINGS ☐
DECLASSIFIED☐ RELMASABLE☑
RELEASE DENIED☐
FA or FOI EXEMPTIONS _____

Neither the Department nor the Embassy can protest transgressions of normal court procedures which have not yet happened.

We have attempted to assure Mr. Haas and Ms. Ryan that in our experience Guyana is a country with a strong rule of law and that the judicial system there heretofore has not been unduly influenced by outside political interference. Should Mr. Haas, Ms. Ryan or their Guyanese representative believe that the hearing which is afforded them on behalf of Mrs. Stoen is not conducted in accordance with the local law, they should promptly bring any irregularities to the attention of the American Embassy.

During her visit to the Department Ms. Ryan had some doubt about her ability to satisfy a foreign judge about Mrs. Stoen's character or ability to provide a proper environment for her child. Ms. Ryan was provided information about international social service agencies which may be of assistance to her in that matter.

With respect to the basic question regarding custody, such orders issued by individual states in the United States have no validity outside the jurisdiction of the court which issues them. The question of John Victor Stoen's custody can only be decided at this time by the competent court having jursidiction in his present place of residence, Guyana. Although the California court orders may be useful in the case in Guyana, the family must not expect that the hearing in Guyana is to enforce the California court order. The hearing in Guyana is to determine the custody of John Victor Stoen. His family and their attorneys must be prepared to discuss the basic custody matter with the court in Guyana and not expect that court to accept the decisions of a foreign (U.S.) court at face value.

For additional information about child custody cases please telephone Miss Elizabeth Powers of our Office of Special Consular Services on 632-3015.

Sincerely,

Douglas J. Bennet, Jr.
Assistant Secretary
for Congressional Relations

Clearances:SCS-Mr. Rivera
SCS-Mr. Dobrenchuk
SCS-Mr. Lambert
CA-Ms. Watson
H-Mr. Krizek
cc:ARA/CAR/Mr. Tuminia

CA/SCS/EAPOWERS:lsd
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ROBERT B. DUNCAN
3D DISTRICT, OREGON

COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEES:
INTERIOR
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29 NOV 1977

November 23, 1977

SCS
EP

The Honorable Cyrus Vance
Secretary of State
Department of State
2201 C Street
Washington, D. C. 20520

Dear Mr. Secretary:

A young San Francisco attorney, Margaret Ryan, has brought the case described in the attached clipping to my attention. Ms. Ryan and attorney Jeff Haas represent Timothy and Grace Stoen in their effort to recover custody of their 5 year old son. The son is being held by the Rev. Jim Jones in Guyana.

John Stoen

The Stoens have been awarded custody of the child by a California court. The problem now is convincing the Courts and government of Guyana to enforce the U.S. court order.

The background of the case is exceedingly complex and involves the operation of a religious sect called the "Peoples Temple," operated by Rev. Jones. My interest in the case stems from my long acquaintance with Jeff Haas' father in Coos Bay, Oregon, and I don't pretend to any knowledge of the "Peoples Temple" but I can sympathize with the anguish the Stoens must be feeling as they entrust the fate of their child to the uncertainties of a Guyanese court. I would hope that the U.S. Embassy in Guyana would do all that it can to help. At least I hope you can call this matter to the attention of the proper authorities so that it can be heard and decided, hopefully, on its merits without untoward delay.

Thank you for your attention.

Sincerely yours,

Duncan

ROBERT B. DUNCAN
Member of Congress

RBD:smj
Enclosure

(5)

cc: Ms. Margaret Ryan

v. 19, 1977

Parents awarded custody

Jones temple asked to return child

By Tim Reiterman

Former deputy district attorney Timothy Stoen and his separated wife have been awarded custody of their 5-year-old son and are calling upon the Rev. Jim Jones to return the child from the Peoples Temple agricultural mission in Guyana.

Stoen, a former high ranking temple member said yesterday that he decided to join forces with his wife in the complex custody battle because he received information that their son, John Victor Stoen, was being turned against his mother.

Though they have been separated, the couple appeared before Superior Court Judge Frank G. Finnegan in San Francisco and agreed that Stoen's wife Grace would have physical custody of the boy, that Stoen would share legal custody and that Stoen would have visitation rights.

The judge also ruled that Jones, who joined as a party of interest in the custody fight, had failed to appear as ordered although he had been properly served.

"This means that Jones is required to give up the child immediately," said Grace Stoen's attorney, Jeff Haas.

The question remains whether Guyanese courts will recognize the United States court order.

Temple attorney Charles Garry said Jones will have to decide how to respond to the court action and the Stoens' request for return of the child. He said Jones previously has taken the position that he intends to keep the child.

Temple member Joyce Touchette has filed papers with the Guyanese courts alleging that Mrs. Stoen was an unfit mother and had given her power of attorney and permission to take the child to Guyana.

But Grace, 27, and Tim, 40, have revoked any alleged powers of attorney given to Touchette or Jones. And Stoen testified that his wife was an "excellent mother."

In a letter dated Nov. 17, Stoen told Jones: "I have received reliable information to the effect that Grace is being seriously discredited in John's eyes. Not only is this deeply offensive to me, but it could easily cause irreparable emotional harm to John.

"I ask you to immediately reverse the hate campaign and to advise John repeatedly what you and I both know to be true—that Grace loves him deeply and has never abandoned him."

Haas said he will consider contempt proceedings against Jones if the child is not returned by a Nov. 25 deadline in the letter. "That child now is supposed to be with Grace, and anyone who withholds the child is in defiance of a court order."

Added Stoen, "I made a promise to myself that John Victor will be back with Grace by Jan. 1. I will personally go down and get him if Jim refuses to cooperate."

He said, "This puts me on a collision course with a man I was so fiercely loyal to. But I'm doing it because it's right."

Stoen is a former Mendocino County deputy district attorney who came to the San Francisco District Attorney's office in 1976 to prosecute voter fraud cases.

He left the San Francisco post earlier this year to devote his efforts to the church mission in South America.

"I left the church because I didn't like the authoritarianism for myself," he said. "I quit in March ... Then Jim begged me to come back because he felt I was needed at the mission. I finally left again June 8. I felt that John was being well cared for there at the time."

In 1969, Grace and Tim joined the temple and were married by Jones in Redwood Valley, near Ukiah. They became members of the church hierarchy.

Grace said in an earlier interview that beatings of church members prompted her to leave in 1975. The last time she saw her son was in September 1976 in Los Angeles when her husband and Jones refused to give up the child.

Her attorney flew to Guyana with a court order giving her temporary custody last September, but his efforts to find Jones and the boy were unsuccessful.

Grace Stoen

JEFFREY A. HAAS
Attorney at Law
3609 Sacramento Street
San Francisco, CA 94118
(415) 922-6200

MARGARET RYAN
Attorney at Law
294 Page Street
San Francisco, CA 94102
(415) 626-0979

Attorneys for Petitioner

I HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL ON FILE IN MY OFFICE.
ATTEST: [illegible], 1977
WILLIE L. BROWN, JR., COUNTY CLERK OF SAN FRANCISCO, AND EX-OFFICIO CLERK OF THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN AND FOR THE COUNTY OF SAN FRANCISCO.
BY: D. FLANAGAN, DEPUTY

ENDORSED
FILED
San Francisco County Superior Court
NOV 18 1977
CARL M. OLSEN, Clerk
BY: E. FLANAGAN, Deputy Clerk

SUPERIOR COURT FOR THE STATE OF CALIFORNIA

IN THE CITY AND COUNTY OF SAN FRANCISCO

In re the marriage of	No. 719-147
Petitioner: GRACE LUCY STOEN	ORDER RE CHILD CUSTODY
and	
Respondent: TIMOTHY O. STOEN	

The matter of the order to show cause re the custody of the minor child JOHN VICTOR STOEN, born January 25, 1972 came on regularly for hearing on November 18, 1977 in Department 13 of the above entitled court. Petitioner GRACE LUCY STOEN was present personally and through her attorneys of record, Jeffrey Haas and Margaret Ryan. Respondent TIMOTHY O. STOEN appeared in pro per. There was no appearance by Claimant JIM JONES.

GOOD CAUSE APPEARING, the court made the following finding and orders:

1. Based upon the declarations on file it is found that

ARET RYAN
NEY AT LAW
GE STREET
CISCO C. 9411

Claimant Reverend Jim Jones had actual notice of the pendency of the proceedings, of his joinder, of this court's order directing him to appear and of the instant hearing.

2. It is also found that contrary to the order of this court that Reverend Jim Jones failed to appear before this court on November 18, 1977 at 9:00 AM.

3. Based on testimony offered at the hearing of November 18, 1977 and a written stipulation filed therein, the court finds and orders that it is in the best interest of the minor child, JOHN VICTOR STOEN that his physical custody, care and control be awarded to Petitioner GRACE LUCY STOEN, his natural mother. Reasonable visitation will be reserved to Respondent TIMOTHY O. STOEN. Petitioner and Respondent will share joint legal custody. This court hereby fully incorporates by reference the stipulation between the parties signed on November 18, 1977 and the order arising therefrom.

4. It is ordered that Reverend Jim Jones will immediately deliver the minor, JOHN VICTOR STOEN, to the Petitioner, GRACE LUCY STOEN, or to her authorized representative.

5. It is ordered that pursuant to Section 4604 of the California Civil Code, the District Attorney of the City and County of San Francisco shall take all actions necessary to locate Reverend Jim Jones and to secure Reverend Jim Jones' compliance with this order.

6. It is further ordered that Petitioner is granted leave to institute contempt proceedings against the Reverend Jim Jones.

7. Based on testimony offered at the hearing on November 18, 1977 by both Petitioner and Respondent and notarized documents

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T AT LAW
E STREET
SCO CA 94102

provided to and filed with the court, the court finds and orders that all previous statements signed by either Petitioner or Respondent or both authorizing one JOYCE TOUCHETTE, JIM JONES, or any other person to act as guardian of said minor child is hereby declared null and void.

ORDERED this 18th day of November, 1977 and signed the 18th day of November, 1977.

JUDGE OF THE SUPERIOR COURT

ARET RYAN
NEY AT LAW
PACE STREET
ISCO CA 94102